

HW 4/19/92

Constance Casey's memoir of her Washington girlhood (b. 1954) makes only slight reference to her father, Joe, a New Deal Congressman from Mass. when I knew him. (Wash. Post 4/19/92, May 43/92) He was one of six New Deal Congressmen who threw me the most fantastic, exciting and entertaining parties I ever had. I had just defeated the combined efforts of the ~~Dies~~ UnAmerican Dies Committee and the Department of Justice, including the FBI, to get me charged with a crime I did not commit under a law enacted to make it possible to prosecute me and an associate, Gardner (Pat) Jackson, the legislative representative of Labor's "Non-Partisan League, the political arm of the John L. Lewis United Mine Workers of America.

I was researching a book on that really UnAmerican committee toward the end of 1939 and into early 1940 when Jackson had a dinner party for six New Deal Congressmen who were opposed to that committee and a few other people of whom I remember only one, Jimmy Wechsler, later editor of The New York Post.

What none of us knew at the time is that the committee, having learned that I was looking into it and what it did and some of its members, had prepared to defend itself, as it could not on its record, by framing and entrapping me. For this, as I believe I have recorded in more detail in earlier recollections, they fed a Drew Pearson legman, John Henshaw, and a friend of his David Dubois Mayne, to Jackson, who turned them over to me, to look into the story he'd been told.

Of the six Congressmen I remember John Coffee, of Washington, who was a friend of mine, Casey and Frank Hook, of Michigan, who I then met for the first time.

From Mayne I had obtained some of his files as the Washington representative of a native Nazi outfit, William Dudley Pelley's Silver Shirts of America. It was virulently anti-Semitic. In the file of its literature I gave to Dave Wrona, Univ. Wisc., Stevens Point, are samples that I believe include a reprint of the Czarist fake Protocols of the Elders of Zion. Several of the papers I got from Mayne were xeroxes and they associated Pelley and Dies. When I asked for the originals Mayne said he was keeping them for his own protection and thus has not xeroxes but photostats made. I had some doubts so I arranged for him to answer questions and tell his story and swear to it.

A friend and fellow reporter from Wilmington where I was on the morning paper and he on its evening sister paper, Isadore Bleiberg, had become a court reporter to make more money. When he wanted to move to Washington I took him and his wife, Sarah Weiner, a high-school classmate of mine, in and they lived with me until Izzy got located.

After Izzy typed up a verbatim transcript of what Mayne said I took him to the only notary I then knew, the office manager of the court-reporting firm of Ward and Paul. It was the firm used by the Senate committee for which I'd worked. Mayne swore to the truthfulness of the transcript and I gave it and what I'd gotten from him to Jackson. Pat was more excited about it than I and despite my misgivings showed it at that dinner party.

Frank Hook went for it big and despite my efforts to discourage him insisted that I write a speech for him to deliver to the House on it. I did and he did and then all hell

broke loose. My first knowledge of it was when I answered the knock on my apartment door and was handed a ~~an~~ Dies committee forthwith subpoena. I suppose it was served by a committee investigator. I have no recollection of him. I knew a forthwith subpoena was without meaning, told him so ~~add~~ to beat it and that I would respond after I had a lawyer.

I soon learned that Pat also had been subpoenaed. Despite his close friendships with some of Washington's most prominent lawyers none would represent him in this, including the firm of his friend Dean Acheson, ~~Wing~~ Covington, Burling, the most prestigious. Because he had gotten us into it Pearson got his firm to represent us, assigning an international law expert to it!

For those who may read this and have no knowledge of what I wrote about it earlier, through Jackson's many and influential friends and that lawyer, Edgar Turlington's connections, they were led to believe that it had been arranged for the grand jury to refuse to indict.

The specially-enacted law made it a crime to interfere with the proper functioning of a Congressional committee.

But there was a different kind of fix. And Lil found out about it when she got a phone call from Mayne's lawyer, a man she had dated before she met me, Dennis Hallowell, now dead. After they chatted for a while he fussed with some papers on his desk to draw them to Lil's attention and then told her he had something to do that would take him about 15 minutes. She took the hint and as soon as he left his desk started to read them. They made it clear that the real fix was to indict Jackson and me. I was visiting my mother in Wilmington so Lil went to see Jackson immediately. When he just did not believe my Mata Hari she phoned me, telling me to return immediately, which I did. Pat and Turlington had implicit faith in their friends who told ~~the~~ they had it all fixed and I had no less faith and trust in Lil and believe completely what she told me.

So, I had a number of difficult sessions with the grand jury after each one of which I was lectured by Pat and Turlington, warned that I was ruining the deal. If they'd been in the grand jury room with me they'd have understood that their friends had the fix on a against us. The assistant U.S. Attorney, Ed Fihelly, was coming after me with everything he had and could think of and it was a constant battle. But in the end I took the grand just away from him and it insisted on indicting May, ^{NE on} two counts, utter ^{and} and forging and getting ~~may~~ money by false pretenses. (He claimed he was broke and from time to time I let him have a few dollars, probably in all no more than \$100, not a pittance in those days but also not a significant sum. It represent two months of my rent.)

Martin Dies copped a plea for his entrapped and Mayne got two years, suspended. That night was the night of the celebration-of-victory ~~and~~ party those six New Deal Congressman arranged for me. I think that Vito Marcantonio, American Labor Party/ Democrat/ Republican representative from East Harlem may also have been there. Save for the daughter ~~of~~ of a

New York Times editor and Marc's secretary, a former social worker, Edith Johnson. I think I was the only woman. It was at the Madrilion, then one of Washington's finest restaurants and the tables put together into one must have been more than 20 feet long, so there were quite a few people other than the six or seven Members and the ~~two~~^{three} women and me.

Two of the popular songs of that era were "Stars Fell on Alabama" and "The Eyes of Texas Are upon You." Hook used those ~~songs~~ with words appropriate to the occasion and got up and sang to me what he had retitled to "The Dies of Texas Are upon You" and "Starnes Fell on Alabama." Joe Starnes of Alabama was Dies' vice-chairman.

It was a fine party and a real celebration for a real cause. It was not often that the "Un-Americans" and later the McCarthy committees and the other committee's hounding in on their political paydirt were beaten but that was as severe a whipping as I can recall any getting until years later the Boston lawyer Welch did McCarthy in with a few well-chosen words in which he asked McCarthy if he had no sense of decency at all at the ~~above~~ televised hearings. No TV at the time of my travail.

Back to Joe Casey: This was the time of voting the committee new life and an appropriation for that Congress. As I recall there were only about a dozen and a half votes against it in the Democratically-controlled ~~House~~ House of which Dies' fellow Texan Sam Rayburn was the Speaker. The one thing of which I have a clear recollection is the eloquence and anger of Casey's attack on the committee and defense of himself. The latter included his asking a question, "Must I ask the permission of this committee before I accept a supper invitation?" Perhaps he put it in a statement that he would not.

Casey was handsome, in a masculine way.

While I do not know it to be so I believe that his principled opposition to this most Un-American of committees cost him the votes that elected Henry Cabot Lodge as Senator. Despite the committee's widespread attacks on many Catholics in the labor movement, even the head of the CIO and the Steel Workers, Phil Murray, the reactionary hierarchy supported the committee. If the margin was not great is it likely that the Church swung enough votes even in private to defeat Casey.

The last time I saw him was when he was in private practice after World War II, with another friend, also a New Dealer, Homer Clay, a lawyer from Kentucky. They were working on a deal to get some surplus merchant-marine ships for a Greek. Wonder if it could have been Onassis? He met

Hook and Coffee, both also lawyers, also were defeated. FDR gave Hook, a man of very modest means, a government job. Coffee returned to Washington and I suppose the practice of law. Marcantonio later became ^{one of} close friends.

Jackson had been the information officer of the Sacco-Vanzetti committee, and through him I met Justice Frankfurter, also of that committee, and Dean Acheson.

I suppose the FBI's dislike of me may have begun with this because I was asked to go to the Washington office, asked to sign a statement they wrote out after questioning me, it was not in accord with what I'd said and I thought could be used as a confession and I refused to sign it. They would not let me leave so I just sat there. After some time, and as I now recall it was about suppertime, when they let me call Turlington. He came and after we talked openly, in front of them, they agreed to rewrite the statement to make it conform to what I'd actually said.

One day when I was at the Capitol working on some story, after we had a lawyer, two of the committee investigators asked me to go with them. I could have refused, could have phoned Turlington, and I do not now know why I didn't. They took me to Sam Rayburn's hide-away just off the House floor, where the room was ^{already} packed with staff and members. They sat me in an overstuffed chair next to a radiator and questioned me. It was ^{warm} rather tense for me. When I asked for water they gave me a ~~glass~~ ^{glass} of hot water! In the end they got nothing because there was nothing to get. I think they were trying to phony up a case of the unions being out to get them because they were so virulently anti-union. I believe that they also edited the transcript and retyped it because they held another star-chamber hearing for me to read that transcript and be questioned about it. Then I asked Turlington to be with me. I would not ^{and sign it} agree to what they'd added. To the best of my knowledge they never published those hearings, if "hearings" they were!

Dave Pinewas the United States Attorney. Earlier I'd helped him on a then sensational case. He then called me "affidavit face" and we were on a friendly basis. He would not handle the case ^{he} knew was phony against us even though his appointment to the district court was being held up by the Texas gang in the House until he got us indicted. When that failed his nomination went through.

The sensation on the House floor was when one of the members of the committee, ^(probably Dies) displayed the originals of the photostats and it was apparent that Mayne had pasted pieces together and that was the reason ^{giving me} for the photostats instead of the originals.

However, as soon as I got the first subpoena I went to work. Through a friend I got three young housewives, all strangers to me, with old upright typewriters, and knowing the law (which I believe this caused to be changed) moved them into the office of the Clerk of the House and had them type every expense statement the committee had filed. It was from these that I established that Mayne was actually working for the committee at what was a decent rate for those days, \$10 a day, and his pay was disguised as "witness fees" when he had not testified at all. I believe it was this and the vigor of my defense of myself before the grand jury and the fact that I never contradicted myself because I was always telling the truth that enabled me to take the grand jury away from Fihelly. (Later when the Hollywood Ten came to me for help, Edward Dmytryk, one of the Ten,

with Charles Kramer, who'd been an investigator on the Senate Civil Liberties Committee ^{in how could they have been ready with out knowing I'd be on the Hill, and how could they have known other than by surveillance, such as a wiretap on me or someone to whom I spoke?}

With me, I let Dmytryk have whatever he wanted. He took the originals of the typed committee expense vouchers and the many botebooks of mounted and bound clippings on the committee, ^{what he took was really the research for the book so I could never write it.} did not use them and I never got them back. ^{Years later when I got his address in the Hollywood area and asked him what he'd done with them he claimed to have no know-} ledge at all. ^{This is not possible.} It turned out at the hearing that he was the informer in the midst of the Ten. Wrono has what carbons of those expense vouchers remained.)

Fihelly wound up with so much respect for me and I suppose shame that not long after the matter was no longer talked about he phoned and asked me to come and see him. When I did, without telling me that if I ever said a word about it he'd be ruined, which I knew, he gave me the transcript of the grand jury that included Martin Dies' testimony that in fact they had nothing on me and other testimony indicating that I was not, as the Dies gang had been inferring, any kind of red. I never showed this transcript to anyone until I learned that it was no longer an offense to disclose grand jury transcripts. I read it when I got it, not since, and I've given it to Hood College, still in the franked envelop in which Fihelly gave it to me. He was ^{late war-crimes} prosecutor in Tokyo.)

The FBI gave none of its records ^{on this} to me in response to my FOIPA request but a few years ago, when it was violating the law to give copies of records violating my privacy and intended to defame me to another it then gave me some copies, carefully selected to withhold what obviously existed, like the statement I'd refused to sign and the one I did. My appeals were without response. ^{Nothing on the Mayne case, either.}

The Dies committee was the successor to the McCormick committee, actually known as the McCormick-Dickstein committee because although John McCormick, later majority leader, was the chairman, Sam Dickstein, NY, Dem., actually ran the committee. (And the FBI hired his brother as a rare if not it then only Jewish special agent.) That was the beginning of the anti-red hysteria that coincided with Hitler's rise. As Dies was lobbying to become the chairman of a reconstituted committee he was openly telling his colleagues in seeking their support that he'd have no Jews on his committee. He was, his committee was, of irresponsibility difficult to conceive today. They were in effect native nazis and they dealt in lies and fabrication and ^{invented and} slanders that would get headlines and did, ^{this is} what encouraged the ^{my} Garthys and other reactionary merchants of hate, many reactionary Southern Democrats.

^{by} Odds, Dies and Starnes got on a first-name basis with me and Starnes even put his arm around me after this was all over when we bumped into each other on the Hill. It was their idea, not mine. Weird!

Once Dies interceded on behalf of Mayne publicly the story died down. I do not recall its ever being used against me until I was on a San Francisco ^(KCBS) talk show of a reporter who then became a good friend with whom I spent at least one night at his home when I was again there, Harv Morgan. A young man phoned in and started to red-bait me.

Morgan wanted to cut him off but I insisted that he be allowed to speak. I turned it into a dialogue that got rather dramatic. It turned out as I'd suspected, that what he was garbling he had no personal way of knowing about because it happened before he was born or when he was an infant. After I'd faced him down the show continued and the next night, when I spoke at The Hall of the Flowers, in Golden Gate Park, there was standing room only.*

Later, when I got some response to my FOIPA request from the San Francisco office, it turned out that this young man was an FBI symbol informer.

Something similar then happened on the Joe Pyne radio show. I recall no other efforts to misuse that against me and in both instances I was able to abort it.

Of course I have no knowledge of any private misuses.

* And sold Paul Elder's bookstore out of the 250 copies of Whitewash II I'd shipped him and at least 50 more I was carrying to use as press copies. The ~~irony~~ irony is that Elder, a reputable ~~man~~ ^{with a} reputable store, was selling out to Dobleday and never got paid!

It occurs to me that because for the most part I have put this rather unemotionally it may give the wrong impression. All of it was really tough and rough. Jail loomed and the determination of the powerful to put me there was unhidden, with nothing to dirty for them. And they were nothing but dirty. Very!

What I now recall as the most difficult for me was the evening of the day I was just picked up in the Capitol and did not resist or demand counsel. There was that roomfull of baddies each with his own dirty line of questioning and there was no time when there was no questioning, or no time for me to really think. That was the one time, other than with the FBI, when I was alone. If Fihelly got too bad the grand jurors were witnesses and the other time before the committee Turlington was with me. More, it was all new to me, strange, really foreign to anything that to then had happened to me, and so opposed to all we believe.

I still remember ^{ber} the night that I think was that and not another of the nights after those many days. (I do not recall how often I was before the grand jury but it seems in recollection to have been often.) ^{that} Lil and I had dinner with Leo ^{then was} and Elizabeth Goodman, both of Boston, Leo the legislative representative of the shoe-workers union and I think an economist. He was later a leader in opposing nuclear proliferation and contamination. We dined in a good Magyar/Gypsy restaurant, Michel's, on the west side of Vermont Ave. above K. As usual the food was good and inexpensive and if Michel was not a real gypsy he was with the fiddle! While we were eating I had to vomit. I think that was the only such time in the adulthood of my 79 years. *only those who have such experience fully appreciate how rough this was*

I did not, ever, claim that my first of fifth-amendment rights were being violated. I did not refuse to answer a single question, either. Now I do not recall whether that was a conscious decision or not. Of course my rights were being violated and I was aware of it. They were interfering with my right as a writer and they were trying to get me to testify against myself. But I was never a communist and I'd done nothing wrong. I was

what later was referred to, sickeningly to me, as a "premature anti-fascist."

A decade later "The Hollywood Ten" did refuse to answer questions and did not invoke the fifth amendment. Alvah Bessie told me that they had conferred and decided to take this position on principle, that they had the right not to respond under the first amendment which in their view they thereby were defending. *They rested on the first only*

It put them all in jail. And neither then nor since have I seen any principle involved in not invoking the constitution's pertinent provisions.

I saw no question about the interference with free association and writing, that was violated, but it was also clear that they were being asked to testify against themselves with the unhidden hope that they could be sent to jail.

It is all too distant now but I think that I then thought their position was immature and irresponsible, that they were living a script while they wrote it. Their position also at least inferred to a very large audience that there was something wrong in taking the protect of the fifth amendment. There wasn't and isn't and if I recall correctly, this was equivalent to some of the purposes for which it was added to the constitution.

And although they were courageous and well-intended, there is the probability that the position they took contributed to the hysteria. It certainly was a big boost to the UnAmericans, putting such famous people in jail.

Page 4 note. In those days both Houses had publicly-available records, of which I remember of contributions to and expenditures by the political parties, and I worked in them often. I found open fascists on the GOP payroll. And I found records that Father Coughlin, the fascist radio priest who had a coast-to-coast radio program had had to file. None of the then major media, and I knew quite a few, were at all interested ^{in such matters} so I told John H. Spivack who, whether or not he was a Communist, seemed able to publish only in the Communist press, especially The New Masses magazine. That grew into Jack's sensational and definitive expose, "The Shrine of the Silver Dollar" which, I think, contributed to pressure on the government to do something about him. ^{Coughlin} In the end the church was given the choice between getting him off the air and silenced or having him indicted. Slowly he crawled back into the woodword. Coughlin's Michigan church ~~was~~ had "Shrine" in its name. He was a virulent fascist ~~and~~ and racist. *The Shrine of the Little Flower?* In those days the networks carried ^{openly} anti-semitic programs. Henry Ford's weekly coast-to-coast voice, W.J. Cameron, plugged the fake "Protocols" and Ford mailed them to those who wrote requesting them. Ford's and Coughlin's were two of the major network Sunday night programs in those pre-TV days, and they had large audiences. There were three networks, CBS and NBS, which then had two, identified as the "red" and the "blue." One became ABC when NBC was restricted to one and sold the other.